

ENRIQUE PAIZ,	:	Order Dismissing Appeal as Moot
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 95-153-A
	:	
ALBUQUERQUE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 30, 1996

This is an appeal from a July 7, 1995, decision of the Albuquerque Area Director, Bureau of Indian Affairs, recognizing the election of Elias Torrez as Governor of the Ysleta del Sur Pueblo at an election held on December 31, 1994, and declining to recognize the results of a rival election held on the same day, at which appellant was elected Governor. The appeal has been fully briefed.

On January 29, 1996, the Board received a motion from the Pueblo, seeking dismissal of this appeal as moot. The motion states that a new election was held on December 31, 1995, at which Elias Torrez was again elected Governor. It states further that appellant participated in the election and spoke to the assembled members and that no rival election was held. The Pueblo supports its motion with affidavits from the Chief of Tribal Security, the Tribal Census officer, and Torrez, as well as a statement of election results and a list of Pueblo members who participated in the election.

The Board has consistently held that a valid tribal election held during the pendency of an appeal from an earlier tribal election renders the appeal moot. E.g., Hansen v. Juneau Area Director, 25 IBIA 184 (1994); Villegas v. Sacramento Area Director, 24 IBIA 150 (1993), and cases cited therein.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed as moot.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge